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April 16, 1949

*Wilson*  
M. V. Gibbons, County Attorney  
Apache County  
St. Johns, Arizona

LAW LIBRARY  
ARIZONA ATTORNEY GENERAL

Dear Mr. Gibbons:

Following our discussion of this morning relative to the construction of a county high school building at Sanders, Arizona, we have reached the following conclusion:

It appears that the most desirable site for the construction of the proposed high school building is upon the property now owned by the Sanders District #18, Elementary School. It further appears that, in the event the county high school district was to purchase sufficient ground from District #18 for a high school building site, it would be necessary for a county-wide election to be held, which would be a rather expensive procedure. In order to eliminate this expense and the delay incident to a county-wide election, it is our opinion that District #18 may legally hold an election at which the proposition of selling a site would be submitted to the voters, either at a fixed appraised value or for the reasonable value of the site. Upon the approval of this proposition by the voters, the site could be sold to a private individual for the appraised value or a fair value and, in the event the purchaser saw fit to make a gift of the site to the county high school district, that district could legally accept the gift. The county bond issue having provided for the construction of a high school building at Sanders without specifying the particular site, a county high school could thereupon be constructed upon the land received by this gift.

With reference to the question as to who may vote at the election to determine whether or not School District #18 shall sell a portion of the school lot, we believe this question is covered by Section 54-419, A.C.A. 1939, and that all qualified electors would be eligible to vote at the election; the qualifications of an elector being those set forth in Section 54-414, A.C.A. 1939.

It is our opinion that the limitation providing only real property taxpayers may vote upon a question, under the provisions of Article 7, section 13 of the Constitution, this applies to bond issues or special assessments and would not apply in this case.

We have also examined the authorization issued by the Secretary of Interior to construct a high school building at McNary and are of the opinion that the authority therein is suf-

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Page Two  
April 16, 1949

ficient, and that the high school district would be adequately protected in its use and occupation of the site therein described so long as the same is used for school purposes.

Trusting this answers your inquiry, we are

Very truly yours,

FRED O. WILSON  
Attorney General

PERRY M. LING  
Chief Assistant  
Attorney General

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